

## **REMARKS**

The above amendments are made in response to the Office action of July 24, 2008. The Examiner's reconsideration is respectfully requested in view of the above amendment and the following remarks.

Claims 1, 4 and 8 have been amended and claims 2 and 3 have been canceled, leaving claims 1 and 4-8 pending in the present application. Support for the amendment to claims 1, 4 and 8 may be found at least in canceled claims 2 and 3, as well as pages 2 and 3 of the specification as originally filed. No new matter has been added.

### ***Specification***

The specification has been amended to be in accordance with the embodiments disclosed therein. In particular, the Brief Summary of the Invention and claims 4 and 8 describe that the weight becomes larger as the distance from the center pixel increases. However, embodiments of this invention disclose that the weight decreases as the distance from the center pixel R increases.

The Brief Summary of the Invention and claims 4 and 8 have been amended according to the embodiments described in the detailed Description. No new matter has been added.

### ***Claim Rejections Under 35 U.S.C. § 102***

In order to anticipate a claim under 35 U.S.C. §102, a single source must contain all of the elements of the claim. *Lewmar Marine v. Barient, Inc.*, 827 F.2d 744, 747, 3 U.S.P.Q.2d 1766, 1768 (Fed. Cir. 1987), *cert denied*, 484 U.S. 1007 (1988). Moreover, the single source must disclose all of the claimed elements "arranged as in the claim." *Structural Rubber Prods. Co. v. Park Rubber Co.*, 749 F.2d 707, 716, 223 U.S.P.Q. 1264, 1274 (Fed. Cir. 1984). Missing elements may not be supplied by the knowledge of one skilled in the art or the disclosure of another reference. *Titanium Metals Corp. v. Banner*, 778 F.2d 775, 780, 227 U.S.P.Q. 773, 777 (Fed. Cir. 1985).

Claims 1, 2 and 6 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Yasui (U.S. Patent No. 4,822,142, hereinafter “Yasui”). The Examiner states that Yasui discloses all of the elements of the abovementioned claims primarily in col. 1, lines 1-13 and 32-36 and FIG. 9.

Independent claim 1 has been amended to include the subject matter of claim 3, which admittedly defines over Yasui as indicated on page 2 of the Detailed Action. Furthermore, it is respectfully noted that claims 2 and 6 depend from amended independent claim 1.

Accordingly, Applicants respectfully request that the Examiner withdraw his rejections and allow claims 1, 2 and 6 under 35 U.S.C. §102(b).

### ***Rejections Under 35 U.S.C. § 103***

In order for an obviousness rejection to be proper, the Examiner must meet the burden of establishing that all elements of the invention are disclosed in the prior art; that the prior art relied upon, coupled with knowledge generally available in the art at the time of the invention, must contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combined references; and that the proposed modification of the prior art must have had a reasonable expectation of success, determined from the vantage point of the skilled artisan at the time the invention was made. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); *In re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970); *Amgen v. Chugai Pharmaceuticals Co.*, 927 U.S.P.Q.2d, 1016, 1023 (Fed. Cir. 1996). See MPEP 2143.

Claims 3 and 4 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Yasui in view of Rushmeier (U.S. Patent No. 6,686,921, hereinafter “Rushmeier”). The Examiner states that Yasui teaches all the limitations of claims 3 and 4 except *a pixel group for rendering includes a center pixel and a plurality of peripheral pixels having weights depending on a distance from the center pixel*, which the Examiner alleges is disclosed primarily in col. 11, lines 48-55 of Rushmeier.

Rushmeier discloses a data compensating method for providing accurate and consistent surface color of an object model when the object model is imaged through 3D

scanning using light from the outside, and it teaches that the weight is different depending on the distance from the black edge as described more fully hereinbelow.

More specifically, Rushmeier discloses that “[o]nce the images levels are adjusted, the five images are combined with a weighted average to produce a single corrected RGB image for the position of camera 112c. The weight assigned to each pixel in each image increases with distance to the nearest black edge in the image. This weighting is preferred in order to avoid small but sudden changes at edges where each photometric image stops contributing to the combined average.” (Col. 11, lines 48-55).

In contrast, independent claim 1, rewritten with the limitations of presently canceled claim 3 of the present invention, describes that a pixel group for rendering includes a center pixel and a plurality of peripheral pixels having weights depending on a distance from the center pixel. Therefore, it is respectfully submitted that Rushmeier does not teach the technical feature of claim 3 incorporated into amended independent claim 1.

In particular, neither Yasui not Rushmeier, either alone or in combination, teach or suggest wherein a pixel group for rendering includes a center pixel and a plurality of peripheral pixels having weights depending on a distance from the center pixel, as recited in amended independent claim 1. Thus, it is respectfully submitted that amended independent 1, including claims depending therefrom, i.e., claims 4-8, define over Yasui not Rushmeier.

Accordingly, it is respectfully submitted that the claimed invention is allowable over the cited references. The Examiner’s withdrawal of the rejection of claims 3 and 4, and their subsequent allowance is respectfully requested.

Claims 3 and 4 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Yasui in view of Prince (U.S. Patent No. 5,473,338, hereinafter “Prince”). The Examiner states that Yasui teaches all the limitations of claims 3 and 4 except *each data line includes a connection portion for receiving data signals from an external device*, which the Examiner alleges is disclosed primarily in col. 9, lines 8-12 of Prince.

First it is respectfully submitted that it appears that the present rejection was intended to be with respect to claim 5, as opposed to claims 3 and 4.

Nevertheless, as mentioned above, the Examiner concedes that Yasui does not teach or suggest *a pixel group for rendering includes a center pixel and a plurality of peripheral pixels having weights depending on a distance from the center pixel* on page 3 of the Detailed Action. Furthermore, as discussed above, claim 1 has been amended to include this limitation (i.e., canceled claim 3), thus admittedly defining over Yasui in view of Prince.

Accordingly, it is respectfully submitted that the claimed invention is allowable over the cited references. The Examiner's withdrawal of the rejection of claim(s) [3, 4 and] 5, their subsequent allowance is respectfully requested.

Claims 7 and 8 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Yasui in view of Prince (U.S. Patent No. 5,473,338, hereinafter "Prince"). The Examiner states that Yasui teaches all the limitations of claims 3 and 4 except *weighting the pixels for rendering based on a pixel group including a center pixel and a plurality of peripheral pixels such that weight for the pixels depends on a distance from the center pixel, the data voltages having values depending on the weight, or that the weight becomes large as the distance from the center pixel increases*, which the Examiner alleges is disclosed primarily in the col. 11, lines 48-55 and the Abstract of Rushmeier.

Claims 7 and 8 depend from amended independent claim 1, which defines over Yasui in view of Rushmeier as discussed above. Furthermore, it is respectfully submitted that use of the "weights assigned to each pixel, which go with the image data levels, are increased depending on the distance from the center toward the edge" allegedly disclosed in Rushmeier, does not cure the deficiencies noted above with respect to Yasui in view of Rushmeier.

Accordingly, it is respectfully submitted that the claimed invention is allowable over the cited references. The Examiner's withdrawal of the rejection of claims 7 and 8, their subsequent allowance is respectfully requested.

***Conclusion***

In light of the above remarks, the present application including claims 1 and 4-8 are believed to be in condition for allowance.

Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the outstanding rejections. If there are any charges due with respect to this response, please charge them to Deposit Account No. 06-1130 maintained by Applicants' Attorneys.

Respectfully submitted,

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